

Miranda Maupin/mm/Norm Schwab/ns  
Thornton Creek WQ Channel Ordinance.doc  
June 16, 2004  
version # 3

## ORDINANCE \_\_\_\_\_

AN ORDINANCE relating to the Thornton Creek Water Quality Channel Project of Seattle Public Utilities; increasing the 2004 allocation for that project in the 2004-2009 Capital Improvement Program for the Drainage and Wastewater Fund; and increasing the 2004 appropriation to Seattle Public Utilities with respect to that project.

WHEREAS, the Thornton Creek Water Quality Channel Project (Project) is defined as building a surface swale on the Northgate South Lot to provide year-round surface flow and water quality treatment for frequent storm flows diverted from the public drainage control system located at NE 100<sup>th</sup> Street and 3<sup>rd</sup> Avenue NE; and

WHEREAS, the City of Seattle has an option to purchase the Eastern 2.7 acres of the Northgate South Lot and the ordinance that was introduced as C.B.\_\_\_\_\_ provides approval for the purchase of this lot; and

WHEREAS, the City of Seattle is required under the Northgate Mall Development Agreement to return the lot to Simon if after five years from the effective date of the agreement, no open space, natural drainage or stormwater improvements have occurred; and

WHEREAS, City Council Resolution 30642 requested that Seattle Public Utilities evaluate and recommend one of three specified options for natural drainage and open space options for the Northgate South Lot; and

WHEREAS, the three options outlined in City Council Resolution 30642 and further developed for evaluation include: 1) daylighting flows in the conveyance pipe under the Northgate South Lot, 2) constructing a series of natural system swales to treat drainage from the adjacent neighborhood, and 3) constructing a hybrid (Hybrid), which involves diverting dry weather flows and flows from frequent storm events from the conveyance pipe at NE 100<sup>th</sup> Street and 3<sup>rd</sup> Avenue NE to a surface channel for water quality treatment; and

WHEREAS, the primary purpose of this project is to provide water quality treatment due to the Department of Ecology listing of Thornton Creek as an "impaired water" of the state and selecting Thornton Creek for a non-point pollution clean up plan targeted for 2005; and

WHEREAS, drainage rate customers from the City of Seattle ranked "improvement in water quality in lakes and streams" as the most important drainage investment; and

WHEREAS, the technical analysis conducted by Seattle Public Utilities and the Northgate South Lot technical team suggests that the Hybrid option provides the most pollutant removal and the least cost per unit of pollutants removed; and

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WHEREAS, the Northgate Stakeholder Group established by Council Resolution 30642 has unanimously indicated a preference for the Hybrid option in a vote on June 3, 2004 and cited water quality performance and year-round flow as valued benefits; and

WHEREAS, the community attendees at the May 13, 2004 Public Forum held by the Northgate Stakeholder Group indicated strong support for a drainage and open space project on the Northgate South Lot and indicated a preference for the Hybrid option; and

WHEREAS, this Project is consistent with the 2004 Proposed Comprehensive Drainage Plan policies for the Protection of Beneficial Use Program, which include “proactively retrofit drainage infrastructure, when physically feasible and cost effective, to improve water quality in problem areas,” and “mitigate the direct effects of stormwater impacts on creeks and other aquatic environments through projects and programs that improve water quality and conditions for aquatic biota”; and

WHEREAS, on May 19<sup>th</sup>, 2004, the Asset Management Committee of Seattle Public Utilities approved the Thornton Creek Water Quality Channel Project and associated funding request for the Hybrid option; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The dollar amount shown in the 2004 column for Project C343306 – Thornton Creek Water Quality Channel Project in the 2004-2009 Adopted CIP, as amended by the ordinance that was introduced as C.B. \_\_\_\_\_, is increased by the amount shown in Section 2 below for purposes of subsection 4 (c) of Ordinance 121333.

Section 2. In order to pay for necessary costs and expenses for which insufficient appropriations were made, the appropriation for the following in the 2004 Budget is increased from the fund shown as follows:

Fund	Department	Budget Control Level	2004 Appropriation
Drainage & Wastewater (44010)	Seattle Public Utilities	Protection of Beneficial Uses (C333)	\$6,848,357
<b>TOTAL</b>			\$6,848,357

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Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2004, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
City Clerk

(Seal)